IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 8197 OF 2005

Mr. Mohammed Arshad Abid Saheb Mulla
and anr. ...Petitioners

v/s

The State of Maharashtra ...Respondent.

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Mr. S.P. Patil for the petitioners

Ms. S. D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 3rd February, 2006

P.C.:

1. Heard the learned Counsel for the petitioner and the learned APP for the State.

2. The petitioners have an apprehension that they are likely to be arrested in connection with the FIR which is lodged at Wada Police Station on 24/11/2005. It is submitted that there was a dispute between the complainant and the present petitioners. The petitioners state that one Aslam G. Bhure was elected as a Chairman of the Water Supply Scheme and the Health Committee. After the Gram Sabha elections of the village were held and the ex-chairman Aslam G. Bhure was removed from the post, the said Aslam Bhure filed a Civil Suit at Wada which was dismissed on

2/7/2004. Thereafter, the present complaint has been lodged, alleging that the petitioners and others had assaulted the complainant. Even in the said complaint, no specific role is attributed to the present petitioners. The remand application which was preferred in the Court of the Magistrate also discloses that, according to the Investigating Officer, at the time when the incident had taken place, the petitione No.1 was in the Police Station.

3. On the last occasion, time was given to the learned APP to take instructions and direction was given to file affidavit of the concerned Investigating Officer. However, today the Investigating Officer is not present and the affidavit has not been filed. Considering these facts, I am of the view that the case for grant of an anticipatory bail has been made out. In the event of the arrest of the petitioners in connection with C.R. No.I-123 of 2005 registered with the Wada Police Station, they may be released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount each.

4. Application is accordingly disposed of.

V.M. KANADE, J.